AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A data communication system comprising:

a first terminal device ~~for transmitting~~ configured to transmit content and content provider identification data identifying the provider of ~~said~~ the content;

a server device ~~for receiving and storing~~ configured to receive and store the transmitted content and content provider identification data; and

a second terminal device ~~which~~ configured to transmit user identification data to ~~said~~ the server device, ~~which receives and stores said~~ configured to receive and store the content from ~~said~~ the server device based on ~~said~~ the user identification data, and ~~which reproduces~~ configured to reproduce the stored content upon detection of an incoming call;

wherein ~~said~~ the server device stores first account information corresponding to ~~said~~ the content provider identification data and second account information corresponding to ~~said~~ the user identification data, ~~said~~ the server device incrementing first amount information in ~~said~~ the first account information when receiving ~~said~~ the content from ~~said~~ the first terminal device, ~~said~~ the server device decrementing second amount information in ~~said~~ the second account information when transmitting ~~said~~ the content to ~~said~~ the second terminal device.

2. (Currently Amended) A data communication system according to claim 1, wherein ~~said~~ the first account information includes first account data

corresponding to ~~said~~ the content provider identification data and ~~said~~ the second

account information includes second account data corresponding to ~~said~~ the user

identification data;

wherein ~~said~~ the server device comprises a ~~communicating means for transmitting~~ communication unit configured to transmit ~~said~~ the first and ~~said~~ second

account information to an external settlement center, ~~said~~ the server device thereby

prompting ~~said~~ the external settlement center through the ~~said communicating means~~

communication unit to settle account balances corresponding to ~~said~~ the first account

data based on the amounts represented by ~~said~~ the first amount information and to

settle account balances corresponding to ~~said~~ the second account data based on the

amounts represented by ~~said~~ the second amount information.

3.   (Currently Amended) A data communication system according to

claim 1, wherein ~~said~~ the second terminal device comprises:

a storing ~~means~~ unit ~~for storing~~ configured to store ~~said~~ the content

transmitted from ~~said~~ the server device;

a reproducing ~~means~~ unit ~~for retrieving~~ configured to retrieve ~~said~~ the

content from ~~said~~ the storing ~~means~~ unit and ~~reproducing~~ reproduce the retrieved

content;

an incoming call detecting ~~means~~ unit ~~for detecting~~ configured to detect an

incoming call from ~~other~~ a third terminal device; and

a controlling ~~means~~ unit ~~which~~ configured to, if ~~said~~ the incoming call

detecting ~~means~~ unit detects an incoming call from ~~other~~ a third terminal device, ~~causes~~

cause the ~~said~~ the reproducing ~~means~~ unit to reproduce ~~said~~ the content; ~~which proceeds~~ configured to establish a connection with ~~said other~~ the third terminal device in response to an operation performed by a user while ~~said~~ the content is being reproduced; and ~~which terminates~~ configured to terminate the reproduction of ~~said~~ the content once ~~said~~ the connection with ~~said other~~ the third terminal device is established.

4.   (Currently Amended) A data communication system according to claim 3, wherein ~~said~~ the server device makes a larger decrement in ~~said~~ the second amount information the greater the number of times ~~said~~ the content has been reproduced on ~~said~~ the second terminal device.

5.   (Currently Amended) A data communication system according to claim 4, wherein ~~said~~ the server device makes a larger decrement in ~~said~~ the second amount information the higher a reproduction volume of ~~said~~ the content is on ~~said~~ the second terminal device.

6.   (Currently Amended) A data communication system according to claim 5, wherein ~~said~~ the server device decrements ~~said~~ the second amount information only if the reproduction volume of ~~said~~ the content on ~~said~~ the second terminal device is greater than zero.

7.   (Currently Amended) A data communication system according to claim 5, wherein ~~said~~ the second terminal device comprises:

-4-

a counting ~~means~~ __unit__ ~~for counting~~ __configured to count__ the number of

times ~~said~~ __the__ content has been reproduced by ~~said~~ __the__ reproducing ~~means~~ __unit__; and

an accumulating ~~means~~ __unit__ ~~for accumulating__ __configured to accumulate__

the reproduction volume in effect whenever ~~said~~ __the__ content is reproduced by ~~said~~ __the__

reproducing ~~means~~ __unit__;

wherein, in each predetermined period of time, ~~said~~ __the__ controlling ~~means~~

__unit__ takes a counting result of ~~said~~ __the__ counting ~~means~~ __unit__ as the number of times ~~said~~

__the__ contents have been reproduced and transmits the number of times to ~~said~~ __the__

server device; ~~said~~ __and the__ controlling ~~means~~ __unit__ takes a division result of dividing an

accumulation result of __the__ accumulating ~~means~~ __unit__ by the counting result as a content

reproduction volume and transmits the content reproduction volume to ~~said~~ __the__ server

device.

8.   (Currently Amended) A data communication system according to

claim 1, wherein ~~said~~ __the__ server device selects ~~those of said~~ user identification data

from ~~said~~ __the__ second terminal device ~~which complies with__ __based upon__ distribution

conditions applicable to ~~said~~ __the__ content transmitted from ~~said~~ __the__ first terminal device,

~~said~~ __and the__ server device ~~further transmitting said__ __transmits the__ content to the second

terminal device ~~from which the selected user identification data has been received__.

9.   (Currently Amended) A data communication system according to

claim 1, wherein ~~said~~ __the__ server device returns a __content__ list ~~of said content to said__ __to__

__the__ second terminal device in response to access therefrom; and

wherein ~~said~~ the second terminal device has a selecting ~~means~~ unit ~~for selecting~~ configured to select from the content list a content desired to be downloaded.

10.   (Currently Amended) A data communication system according to claim 1, wherein ~~said~~ the second terminal device comprises a delete inhibit controlling ~~means~~ unit ~~for inhibiting~~ configured to inhibit deletion of a content transmitted from ~~said~~ the server device.

11.   (Currently Amended) A data communication system according to claim 1, wherein ~~said~~ the content is music data.

12.   (Currently Amended) A data communication system according to claim 1, wherein ~~said~~ the content is promotion video data.

13.   (Currently Amended) A data communication system according to claim 1, wherein ~~said~~ the provider is a content sponsor.

14.   (Currently Amended) A data communication system according to claim 1, wherein ~~said~~ the second terminal device ~~is~~ comprises a mobile communication terminal device.

15.   (Currently Amended) A data communication system according to claim 1, wherein ~~said~~ the second terminal device comprises a plurality of portable telephones.

16.   (Withdrawn) A server device comprising:

communicating means for receiving from a first terminal device content and content provider identification data identifying the provider of said content;

storing means for storing the content received through said communicating means in correspondence with said content provider identification data; and

controlling means for transmitting said content through said communicating means to a second terminal device based on user identification data received from said second terminal device;

wherein said storing means stores first account information corresponding to said content provider identification data and second account information corresponding to said user identification data; and

wherein said controlling means increments first amount information in said first account information when receiving said content from said first terminal device through said communicating means, and decrements second amount information in said second account information when transmitting said content to said second terminal device through said communicating means.

-7-

17.　(Withdrawn) A server device according to claim 16, wherein said first account information includes first account data corresponding to said content provider identification data and said second account information includes second account data corresponding to said user identification data;

wherein said communicating means transmits said first and said second account information to an external settlement center thereby prompting said external settlement center to settle account balances corresponding to said first account data based on the amounts represented by said first amount information and to settle account balances corresponding to said second account data based on the amounts represented by said second amount information.

18.　(Withdrawn) A server device according to claim 16, wherein said controlling means makes a larger decrement in said second amount information the greater the number of times said content has been reproduced on said second terminal device.

19.　(Withdrawn) A server device according to claim 18, wherein said controlling means makes a larger decrement in said second amount information the higher a reproduction volume of said content is on said second terminal device.

20.　(Withdrawn) A server device according to claim 19, wherein said controlling means decrements said second amount information only if the reproduction volume of said content on said second terminal device is greater than zero.

21.   (Withdrawn) A server device according to claim 16, wherein said controlling means selects those of said user identification data from said second terminal device which complies with distribution conditions applicable to said content transmitted from said first terminal device, said controlling means further causing said communicating means to transmit said content to the second terminal device from which the selected user identification data has been received.

22.   (Withdrawn) A server device according to claim 16, wherein said controlling means returns a list of said content to said second terminal device in response to access therefrom.

23.   (Withdrawn) A server device according to claim 16, wherein said content is music data.

24.   (Withdrawn) A server device according to claim 16, wherein said content is promotion video data.

25.   (Withdrawn) A server device according to claim 16, wherein said provider is a content sponsor.

26.   (Currently Amended) A communication terminal device comprising:

-9-

a communicating ~~means~~ unit ~~for transmitting~~ configured to transmit user identification data to a server device and ~~exchanging~~ exchange call data with ~~said~~ the server device;

a storing ~~means~~ unit ~~for storing~~ configured to store content ~~which is~~ offered by content provider and ~~which is~~ transmitted from ~~said~~ the server device in accordance with ~~said~~ the user identification data;

a reproducing ~~means~~ unit ~~for reproducing~~ configured to reproduce ~~said~~ the content; and

a controlling ~~means~~ unit ~~which retrieves~~ configured to retrieve ~~said~~ the content from ~~said~~ the storing ~~means~~ unit upon detection of incoming call data, ~~and causes~~ cause ~~said~~ the reproducing ~~means~~ unit to reproduce the retrieved content, and cause the communicating unit to transmit to the server device a reproducing condition of the content reproduced by the reproducing unit.

27.   (Currently Amended) A communication terminal device according to claim 26, wherein ~~said~~ the controlling ~~means~~ unit causes ~~said~~ the reproducing ~~means~~ unit to reproduce ~~said~~ the content upon detection of ~~said~~ incoming call data from ~~other~~ a second terminal device; proceeds to establish a connection with ~~said other~~ the second terminal device in response to an operation performed by a user while ~~said~~ the content is being reproduced; and terminates the reproduction of ~~said~~ the content once ~~said~~ the connection with ~~said other~~ the second terminal device is established.

28.   (Currently Amended) A communication terminal device according to claim 27, wherein ~~said~~ the controlling ~~means~~ unit causes ~~said~~ the communicating ~~means~~ unit to transmit to ~~said~~ the server device the number of times ~~said~~ the content has been reproduced by ~~said~~ the reproducing ~~means~~ unit.

29.   (Currently Amended) A communication terminal device according to claim 28, wherein ~~said~~ the controlling ~~means~~ unit causes ~~said~~ the communicating ~~means~~ unit to transmit to ~~said~~ the server device a volume of ~~said~~ the content reproduced by ~~said~~ the reproducing ~~means~~ unit.

30.   (Currently Amended) A communication terminal device according to claim 29, further comprising:

a counting ~~means~~ unit ~~for counting~~ configured to count the number of times ~~said~~ the content has been reproduced by ~~said~~ the reproducing ~~means~~ unit; and

an accumulating ~~means~~ unit ~~for accumulating~~ configured to accumulate the reproduction volume in effect whenever ~~said~~ the content is reproduced by ~~said~~ the reproducing ~~means~~ unit;

wherein, in each predetermined period of time, ~~said~~ the controlling ~~means~~ unit takes a counting result of ~~said~~ the counting ~~means~~ unit as the number of times ~~said~~ the contents have been reproduced and transmits the number of times to ~~said~~ the server device; ~~said~~ and the controlling ~~means~~ unit takes a division result of dividing an accumulation result of the accumulating ~~means~~ unit by the counting result as a content

-11-

reproduction volume and transmits the content reproduction volume to ~~said~~ the server device.

31.   (Currently Amended) A communication terminal device according to claim 26, wherein ~~said~~ the controlling ~~means~~ unit causes ~~said~~ the communicating ~~means~~ unit to transmit to ~~said~~ the server device a request signal requesting ~~said~~ the server device to transmit a content list ~~of said content~~; and

said the communication terminal device further ~~comprising~~ comprises a selecting ~~means~~ unit ~~for selecting~~ configured to select a content desired to be downloaded from the content list transmitted from ~~said~~ the server device in response to ~~said~~ the request signal.

32.   (Currently Amended) A communication terminal device according to claim 26, further comprising a delete inhibit controlling ~~means~~ unit ~~for inhibiting~~ configured to inhibit deletion from ~~said~~ the storing ~~means~~ unit of a content transmitted from ~~said~~ the server device.

33.   (Currently Amended) A communication terminal device according to claim 26, wherein ~~said~~ the content is music data.

34.   (Currently Amended) A communication terminal device according to claim 26, wherein ~~said~~ the content is promotion video data.

-12-

35.   (Currently Amended) A communication terminal device according to claim 26, wherein ~~said~~ the provider is a content sponsor.

36.   (Currently Amended) A communication terminal device according to claim 26, wherein ~~said~~ the communication terminal device ~~is~~ comprises a mobile communication terminal device.

37.   (Original) A communication terminal device according to claim ~~36~~ 26, wherein ~~said~~ the communication terminal device ~~is constituted by~~ comprises a plurality of portable telephones.

38.   (Original) A data communication method comprising the steps of:

allowing a first terminal device to transmit to a server device a content and content provider identification data identifying the provider of said content;

allowing a second terminal device to transmit user identification data to said server device;

allowing said server device to receive and store said content, said content provider identification data, and said user identification data;

allowing said server device which stores first account information corresponding to said content provider identification data and second account information corresponding to said user identification data; to increment first amount information in said first account information when receiving said content from said first terminal device; to transmit said content to said second terminal device based on said

-13-

user identification data; and to decrement second amount information in said second account information upon transmission of said content to said second terminal device;

allowing said second terminal device to receive and store the transmitted content; and

allowing said second terminal device to reproduce said content upon detection of an incoming call.

39.   (Original) A data communication method comprising the steps of:

allowing a server device to receive from a first terminal device a content and content provider identification data identifying the provider of said content, and to receive and store user identification data from a second terminal device; and

allowing said server device which stores first account information corresponding to said content provider identification data and second account information corresponding to said user identification data; to increment first amount information in said first account information when receiving said content from said first terminal device; to transmit said content to said second terminal device based on said user identification data; and to decrement second amount information in said second account information upon transmission of said content to said second terminal device.

40.   (Currently Amended) A data communication method comprising the steps of:

allowing a communication terminal device to transmit user identification data to a server device;

allowing said the communication terminal device to store a content which is offered by a content provider and which is transmitted from said the server device in accordance with said the user identification data; and

allowing said the communication terminal device to retrieve the stored content upon detection of incoming call data and to reproduce the retrieved content; and

allowing the communication terminal device to transmit a reproducing condition of the retrieved content to the server device.

41.   (Withdrawn) A storage medium which stores a data communication method program comprising the steps of:

allowing a server device to receive from a first terminal device a content and content provider identification data identifying the provider of said content, and to receive and store user identification data from second terminal device; and

allowing said server device which stores first account information corresponding to said content provider identification data and second account information corresponding to said user identification data; to increment first amount information in said first account information when receiving said content from said first terminal device; to transmit said content to said second terminal device based on said user identification data; and to decrement second amount information in said second account information upon transmission of said content to said second terminal device.

42.   (Currently Amended) A storage medium which stores a data communication method program, the method comprising the steps of:

-15-

allowing a communication terminal device to transmit user identification data to a server device;

allowing ~~said~~ the communication terminal device to store a content ~~which is~~ offered by a content provider and ~~which is~~ transmitted from ~~said~~ the server device in accordance with ~~said~~ the user identification data; ~~and~~

allowing ~~said~~ the communication terminal device to retrieve the stored content upon detection of incoming call data and to reproduce the retrieved content; and

<u>allowing the communication terminal device to transmit a reproducing condition of the retrieved content to the server device.</u>